

Applicant: Laurens Last
Application No: 10/585,641

Response to Restriction Requirement dated June 18, 2009

Restriction Requirement dated May 22, 2009

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- Group 1. Claims 1-9, 30 and 31, drawn to a plastic spout;
- Group 2. Claim 10, drawn to a mold for forming a plastic spout; and
- Group 3. Claims 11 and 20-24 drawn to a method for sealing a spout to a bag.

Applicants provisionally elect to prosecute Group 1, claims 1-9, 30 and 31, with traverse to claim 11 of Group 3.

The Examiner has restricted the claims of the subject application by alleging that the claims lack a general inventive concept because US 6,142,341 discloses the special technical features of the claims.

Applicant respectfully traverses.

US 6,142,341 fails to disclose, *inter alia*, the use of rough surfaces as sealing surfaces with its package assembly. The claims of Group 1 and claim 11 of Group 3 are all directed to a special technical feature which is lacking in US 6,142,341. Accordingly, Applicant respectfully requests that claim 11 of Group 3 be included within claims 1-9, 30 and 31 of Group 1.

Reconsideration of the restriction requirement is respectfully requested.

Therefore, Applicant respectfully submits that claims 1-9, 11, 30 and 31 have the special technical feature of surface roughness and respectfully requests that examination of these claims proceed on the merits.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R § 1.17 and also should be treated as a constructive petition for an extension

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of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Should the Examiner have any questions, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number set forth below.

Respectfully submitted,

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